

REMARKS

Claims 1-4, 6-17, 19, 21-42, and 44-45 are pending in this application. For purposes of expedition, claims 5, 18, 20, 43 and 46 have been canceled without prejudice or disclaimer. Claims 1, 3, 6, 9, 14-16, 19, 21-23, 25, 40 and 44 have been amended in several particulars for purposes of clarity and brevity that are unrelated to patentability and prior art rejections in accordance with current Office policy, to alternatively define Applicants' disclosed invention and to assist the Examiner to expedite compact prosecution of the instant application.

Claims 1-8, 28-39 and 46 have been rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner alleges that these claims define a computer readable medium that is also an electromagnetic signal, as described in paragraph [0030] of the specification. However, Applicants note that claims 1-8, 28-39 and 46 are written in a Beauregard claim format that has been accepted by the USPTO since 1994. For purposes of expedition, paragraph [0030] of the specification has been amended to delete reference to "an electromagnetic signal" in order to render the rejection moot.

Lastly, claims 1-46 have been rejected under 35 U.S.C. §102(e) as being anticipated by Haskell et al., U.S. Publication No. 2004/0054965. As previously discussed, claims 5, 18, 20, 43 and 46 have been canceled without prejudice or disclaimer to render their rejection moot. With respect to remaining claims 1-4, 6-17, 19, 21-42, and 44-45, the rejection is respectfully traversed, however. Applicants submit that features of Applicants' base claims 1, 9, 19, 28 and 40 are **not** disclosed or suggested by Haskell '965. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection for the following reasons.

Haskell '965 discloses a multimedia browser, such as browser 330 installed at a PC client 310 shown in FIG. 3, or web browser 400, shown in FIG. 4, FIG. 5, FIG. 6 and FIG. 7, which is a software application designed with enhanced multimedia services in the form of a plug-in 430 to allow a user to access one or more web pages on a remote multimedia server 320, via a network, as shown in FIG. 3. According to paragraph [0040] of Haskell '965,

"MPEG-4 audio-visual object playback system of this invention is implemented as a **plug-in 430 to a conventional browser 400, such as a web browser**. Such typical browsers support Java and JavaScript languages 410 and 420 that can call the Java methods 412 and the JavaScript methods 422 of each other. That is, the JavaScript methods 422 can call Java and Java methods 412

can call JavaScript. In this configuration, the MPEG-4 player according to this invention is implemented as an MPEG-4 Native-Im1 430, for example."

Data to be processed and play-backed by way of browsing and user interaction, via the browser 330 installed at a PC client 310 shown in FIG. 3, or the web browser 400, shown in FIG. 4, FIG. 5, FIG. 6 and FIG. 7, is MPEG-4-coded data received from either (1) a storage device or alternatively, from (2) a node of a distributed network, and is then fed to the delivery media integration framework, including the MPEG-4 media decoder 230. As described in paragraph [0035] of Haskell '965, the MPEG-4-coded data has different media type, including but not limited to coded video streams, coded facial and/or animation streams, coded audio streams, or coded speech stream.

Haskell '965 simply does **not** disclose any information storage medium provided with different types of data, i.e., core mode data which comprises moving picture data and navigation data controlling playback of the moving picture data, and full mode data which comprises browser mode data made using a markup language and an execution script and/or program mode data made using a program language, or any reproducing apparatus that is configured to reproduce data from such an information storage medium.

Specifically, there is **no** disclosure from Haskell '965 nor is there any teaching or suggestion of Applicants' claimed different types of data stored on an information storage medium, as defined in base claim 1 as well as base claim 28 as comprising, for example:

- "core mode data which comprises moving picture data comprising an audio/video (AV) stream of moving pictures, and navigation data controlling playback of the moving picture data;

- full mode data which comprises browser mode data made using a markup language and an execution script and/or program mode data made using a program language; and

- startup data which designates one of the mode data to be initially reproduced among the core mode data, the browser mode data, and the program mode data, when the information storage medium is loaded into a reproducing apparatus,

- wherein the browser mode data represents a markup language based browser function to enable a user to display, interact and access information, via a network, and

- wherein the program mode data represents a program based interactive function to enable the user to interact and control playback of the moving picture data."

Likewise, there is **no** disclosure from Haskell '965 nor is there any teaching or suggestion

of Applicants' claimed reproducing apparatus for an information storage medium provided with different types of data, as defined in base claim 9 as well as base claim 40, as comprising, for example:

- a reader which reads data from an information storage medium comprising **core mode data** which includes moving picture data and navigation data to control playback of the moving picture data, **startup data**, and/or **full mode data** which includes browser mode data and program mode data;
- a presentation engine which decodes and reproduces the data read by the reader corresponding to moving picture data;
- a navigation engine which processes navigation data, in the read data, reproducing the moving picture data;
- a browser engine which processes the data read by the reader corresponding to the browser mode data for a markup language based browser function to enable a user to display, interact and access information, via a network;
- a program engine which executes the data read by the reader corresponding to the program mode data for a program based interactive function to enable the user to interact and control playback of the moving picture data;
- an application manager which determines one of the core mode data, the browser mode data, and the program mode data to be initially reproduced according to the startup data in the data read by the reader, controls an engine corresponding to the determined one of the mode data, and performs mode transition; and
- a blender which blends an output of the presentation engine and at least one among an output of the browser engine and an output of the program engine into a single output.

More importantly, Haskell '965 does **not** disclose or suggest any "startup data" or any "startup data which designates one of the mode data to be initially reproduced among the core mode data, the browser mode data, and the program mode data" as defined in each of Applicants' base claims 1, 9, 19 and 40.

On page 3 of the Office Action, the Examiner cites paragraph [0062] of Haskell '965 for allegedly disclosing Applicants' claimed "core mode data which includes moving picture data and navigation data to control playback of the moving picture data." However, paragraph [0062] of Haskell '965 only refers to a diagram showing how MPEG-4-data is flowed from either (1) the storage device or alternatively, from (2) the node of a distributed network into the browser system 900 installed at a local computer so as to allow a user to browse and navigate, via the network.

The Examiner further cites paragraph [0009] of Haskell '965 for allegedly disclosing

Applicants' claimed "full mode data which includes browser mode data and program mode data." However, paragraph [0009] of Haskell '965 refers new features provided by the browser, that is, to provide the user the ability to browse two-dimensional (2D) or three-dimensional (3D) MPEG-4 scenes typically composed from synthetic and natural media elements, and to interact with and customize such scenes. Paragraph [0009] of Haskell '965 simply does not disclose or suggest Applicants' claimed "full mode data which includes browser mode data and program mode data" in which the browser mode data represents a markup language based browser function to enable a user to display, interact and access information, via a network, and the program mode data represents a program based interactive function to enable the user to interact and control playback of the moving picture data.

In the interest of expedition, base claims 1, 9, 19 and 40 have been amended to further clarify the relationship between Applicants' claimed "full mode data which includes browser mode data and program mode data" and Applicants' claimed "full mode data which includes browser mode data and program mode data".

The rule under 35 U.S.C. §102 is well settled that anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. In re Paulsen, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); In re Spada, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Those elements must either be inherent or disclosed expressly and must be arranged as in the claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989); Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 7 USPQ2d 1057 (Fed. Cir. 1988); Verdegall Bros., Inc. v. Union Oil Co., 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987). In addition, the prior art reference must be enabling. Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). The corollary of that rule is that absence from the reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 230 USPQ2d 81 (Fed. Cir. 1986).

The burden of establishing a basis for denying patentability of a claimed invention rests upon the Examiner. The limitations required by the claims cannot be ignored. See In re Wilson, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). All claim limitations, including those which are functional, must be considered. See In re Oelrich, 666 F.2d 578, 212 USPQ 323 (CCPA 1981). Hence, all words in a claim must be considered in deciding the patentability of that claim against the prior art. Each word in a claim must be given its proper meaning, as construed by a person

skilled in the art. Where required to determine the scope of a recited term, the disclosure may be used. See In re Barr, 444 F.2d 588, 170 USPQ 330 (CCPA 1971).

In the present situation, Haskell '965 fails to disclose and suggest features of Applicants' base claims 1, 9, 19, 28 and 40. Therefore, Applicants respectfully request that the rejection of claims 1-4, 6-17, 19, 21-42, and 44-45 be withdrawn.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC office at (202) 216-9505 ext. 232.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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